

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

Oscar de la Renta, Ltd.

## SUMMONS IN A CIVIL ACTION

V.

Elizabeth Arden, Inc., d/b/a "EA Fragrances Co."

CASE NUMBER:

08 CIV 5785

TO: (Name and address of Defendant)

Elizabeth Arden, Inc.  
200 Park Avenue South  
New York, NY 10003-1503

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Ropes & Gray LLP  
William I. Sussman, Esq.  
1211 Avenue of the Americas  
New York, NY 10036

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

JUN 27 2008

CLERK

DATE

(By)  DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left:         </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">           Executed on _____  <div style="text-align: center; margin-top: 5px;">Date</div> </div> <div style="width: 60%;">           _____  <div style="text-align: center; margin-top: 5px;">Signature of Server</div> </div> </div>  <div style="text-align: center; margin-top: 20px;">           _____  <div style="margin-top: 5px;">Address of Server</div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OSCAR DE LA RENTA, LTD.,

Plaintiff,

-against-

ELIZABETH ARDEN, INC. d/b/a  
"EA FRAGRANCES CO.",

Defendant.

Civil Action No. 08 Civ 5785 (DC)

AFFIDAVIT OF SERVICE


Paul G. Lang, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age, and reside at 2 Dialstone Lane, Riverside, CT.
2. On July 1, 2008, at approximately at 9:30 a.m., I served the within Summons in a Civil Action, along with the Complaint, Oscar De La Renta, Ltd's Disclosure Statement Pursuant to Rule 7.1, Civil Cover Sheet, Individual Rules of Practice of Denis Cote, United States Judge, and the Individual Rules of Practice of Judge Kevin Nathaniel Fox upon:


Elizabeth Arden, Inc.  
200 Park Avenue South  
New York, NY 10003-1503

by personally delivering true copies thereof to the above address and handing said documents to James Perry. Mr. Perry advised me that he was a Vice President and the Deputy General Counsel of Elizabeth Arden, Inc.

James Perry is described as a white male, approximately 6'0" tall, weighting approximately 190 lbs., having grey hair and wearing glasses.

  
Paul G. Lang

Sworn to before me  
July 1, 2008

  
Notary Public

**CHARLES R. BRUSTMAN**  
Notary Public, State of New York  
No. 01BR4799113  
Qualified in Nassau County  
Commission Expires June 21, 2011